



**NOFA/Massachusetts**  
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Monday, April 26, 2010

Scott J. Soares, Commissioner  
Massachusetts Department of Agricultural Resources  
251 Causeway Street  
Boston, MA 02114

Dear Commissioner Soares,

We are writing to express opposition to the proposed regulatory changes aimed at making raw milk buying groups illegal in Massachusetts.

Since raw milk has been available for retail sale in Massachusetts, demand has soared and the number of farms licensed to sell raw milk has increased dramatically, even as the overall number of dairy farms in the state has fallen at a rapid pace. The value of raw milk sales as a tool for preserving dairy farms is undeniable – no dairy farm licensed to sell raw milk has gone out of business. This is in no small part due to the fact that the conventional dairy industry pays farmers less per gallon of milk than it costs for them to produce it, while raw milk customers are more than willing to pay a fair price that helps sustain the farm. These direct retail sales have proven to be a successful way to preserve dairy farms without relying on public subsidies. These farms, in turn, contribute to the local economy and preserve thousands of acres of Massachusetts farmland.

Some consumers get their raw milk from these farms via buying clubs – groups of people that come together to share the responsibility of picking up milk for multiple households. This practice saves gas and is beneficial to the environment, and provides access to raw milk for consumers who don't live near licensed raw milk dairies.

The Massachusetts Department of Agriculture (MDAR) is proposing language for the state's raw milk regulations that could potentially outlaw these groups. This will harm farms, as they will lose business, and will deny many Massachusetts residents the fresh, local milk they seek. Of particular concern is the possibility that consumers who currently live far from licensed raw milk dairies may decide to purchase raw milk from unlicensed dairies closer to their homes, a practice we strongly oppose due to the lack of oversight and testing from MDAR. The proposed change would also be discriminatory in that it would deny raw milk to anyone who is blind, handicapped or otherwise unable to travel to the farm him or herself, or who lives a great distance from any of the licensed farms.

There is no valid public health reason to distinguish between an individual picking up their milk at the farm, and having someone pick it up for them. Since the regulations governing the sale of raw milk were put in place in 1993, there have been no illnesses attributed to consumption of raw milk from licensed raw milk dairies. Raw milk for consumption is held to extremely high standards – it must meet the same bacterial testing standards as pasteurized milk, in fact – and Massachusetts farmers have proven that, working with MDAR, they can produce a safe and healthy product. To reduce access to raw milk, as this proposal would do, dishonors the hard work these dairies and MDAR have done over the past 17 years. Allowing greater access under a proven system is the best way to recognize this success.

**Northeast Organic Farming Association, Massachusetts Chapter, Inc.**

*NOFA/Mass is a community including farmers, gardeners, landscapers and consumers working to educate members and the general public about the benefits of local organic systems based on complete cycles, natural materials, and minimal waste for the health of individual beings, communities and the living planet.*

Consumers do not use these groups as a way of skirting the law, but as a way of working within it. From the moment the milk leaves the farm cooler at the farm, it belongs to the consumer who, if not present at that time, has pre-paid for the milk through the person who is picking it up. Once that ownership is established it is no longer under the purview of any regulations, as it is private property and the consumer's responsibility. Our concern is that the proposed language seems to broadly suggest that no consumer should be allowed to engage someone else to pick up their milk.

It is important to stress that these groups are not selling milk – they are private clubs, organized by the consumers, that do not sell to the public. At no time do these groups themselves have inventory, nor do they mark up the price of the milk. Members have sought out the groups as a way of getting raw milk – they know what they are purchasing and are willing to pay a premium to get it, and those who operate the clubs have an interest in making sure that they are transporting the milk safely. Those that take steps to ensure safe handling through refrigeration, or who develop contractual relationships with their customers should be encouraged, rather than discouraged, as they are demonstrating professional standards and ultimately helping the farms by providing them with more business. The agreements between these groups and their members are private contracts that our legal counsel has advised us are allowed by law. It is worth noting that no state that allows raw milk sales has banned buying groups, and that Massachusetts has no prohibition on such arrangements for any other products.

Massachusetts has long been in the vanguard of local, sustainable agriculture. The state's commitment to dairy farms is evident, especially through MDAR's work with raw milk dairies to help ensure that they can provide safe raw milk to the public. The proposed regulatory change essentially undermines that work, though, by limiting access to that milk for people who want it.

In December, 2009 you wrote "...the Department feels the current regulations provide adequate information for those that choose to drink raw milk to make an educated decision." We agree with that sentiment. The cost of implementing and enforcing this proposed regulation would be far greater than the cost of developing best practice models for buying clubs and allowing the farmers themselves to deliver raw milk to customers safely. Any change to the regulation should clearly state that raw milk consumers can designate an agent to pick up their milk for them. Just as the responsibility for safe transport is entrusted to the consumer when they leave the farm with their milk, so should that responsibility be entrusted to an agent.

Allowing access to raw milk through buying clubs is good for farmers, and it is good public health policy. We encourage you and your staff to work to ensure that this access is maintained, and would welcome an opportunity to work with you in this regard.

Sincerely,

Lynda Simkins, President  
NOFA/Mass

Winton Pitcoff, Coordinator  
NOFA/Massachusetts Raw Milk Network